

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TONY ADAMS,

Plaintiff,

v.

METRO FAIR HOUSING,

Defendant.

CIVIL ACTION NO.
1:20-cv-00568-JPB

ORDER

This case comes before the Court on a frivolity determination pursuant to 28 U.S.C. § 1915(e)(2).

In a January 27, 2021 Order (“January Order”), the Court noted that Plaintiff’s sister, Sophia Adams, filed a Suggestion of Death relating to Plaintiff on October 13, 2020. Therefore, in addition to granting leave to amend the deficient Complaint and providing specific instructions regarding the deficiencies therein, the January Order directed that a motion for substitution or an update regarding substitution be filed with the amended complaint. The Court underscored that failure to comply with the January Order would result in dismissal of the action.

On February 12, 2021, Ms. Adams filed an Amended Complaint that did not address the deficiencies in the original Complaint. For example, like the original

Complaint, the Amended Complaint does not allege facts to demonstrate that personal jurisdiction, subject matter jurisdiction and venue are proper in this Court. Nor does it describe what causes of action Plaintiff intends to assert.

Moreover, the Amended Complaint identifies Ms. Adams as the “Plaintiff,” and it is accompanied by a “Statement of Claim,” which Ms. Adams signed as the “executor” of Plaintiff’s estate without providing any accompanying evidence of such appointment. She also did not seek leave for the substitution.

Given that the Court has allowed an opportunity to correct the deficiencies in the Complaint to no avail, the Court will now dismiss the Amended Complaint without prejudice, pursuant to § 1915(e)(2)(B).

The Clerk is **DIRECTED** to close the case.

SO ORDERED this 22nd day of March, 2021.



J.P. BOULEE
United States District Judge